

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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MARK SCHARFF, PINE SASH DOOR &
LUMBER CO., INC., MARK SCHARFF &
ASSOCIATES LLC, 2170 MILL AVENUE LLC,
6202-6217 REALTY LLC, MARK SCHARFF ITF
DANIEL SCHARFF and MARK SCHARFF ITF
ARIEL SCHARFF,

Plaintiffs,

vs.

JPMORGAN CHASE BANK & CO., J.P.
MORGAN SECURITIES INC., and CHASE
INVESTMENT SERVICES CORP.,

Defendants.
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Case No. 08 CIV 5026

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/25/08

STIPULATION AND ~~PROPOSED~~ ORDER

WHEREAS, the plaintiffs in the above-captioned action filed a complaint on June 2, 2008 (the "Complaint") and served the Complaint on the Secretary of State on June 4, 2008;

WHEREAS, the Complaint asserts claims under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (the "Exchange Act") and SEC Rule 10b-5 on behalf of a purported class;

WHEREAS, the plaintiffs and/or members of the putative class may file a motion or motions for consolidation of similar actions pending in the District, appointment of Lead Plaintiff, and approval of proposed selection of lead counsel;

WHEREAS, the parties to this action will not object to a motion to consolidate this action with *Ciplet v. JP Morgan Chase & Co., et al.*, 08-CV-4580;

WHEREAS, pursuant to Section 21D(a) of the Exchange Act, the Court will appoint a Lead Plaintiff; and

WHEREAS, nothing in this stipulation shall be construed as waiving any rights, defenses or objections that may be asserted by Defendants with respect to the Complaint or any other complaint that may be filed in the above-captioned action;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel for the parties as follows:

1. Defendants are not obligated to answer, move against, or otherwise respond to the Complaint filed in the above-captioned action until after the Court's appointment of a Lead Plaintiff and an Amended Consolidated Complaint is filed.

2. Sixty (60) days after the entry of the order appointing Lead Plaintiff, Lead Plaintiff will file a Consolidated Amended Complaint.

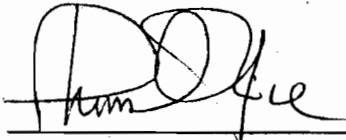
3. Sixty (60) days after the Consolidated Amended Complaint is filed, Defendants will either answer or move to dismiss the Consolidated Amended Complaint.

4. If Defendants move to dismiss the Consolidated Amended Complaint, Lead Plaintiffs will file within sixty (60) days papers opposing such motion. Defendants will then have thirty (30) days to reply to such opposition.

5. Promptly following the appointment of a Lead Plaintiff, the parties will confer and propose a schedule to the Court, either to answer or move against any consolidated complaint that may be filed.

Dated: New York, New York
June 19, 2008

By



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(Attorneys for Plaintiffs Mark Scharff et al.)

SO ORDERED.

Dated: June 24 2008

Gerard E. Lynch
Honorable Gerard E. Lynch